

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

June 11, 2008

6:30 – Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

June 11, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiator pursuant to Government Code Section 54967.6; Designated Representative: City Manager Ray Silver; Employee Organization: Management/Administrative/Confidential Employees.

RECESS:

AGENDA

June 11, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Ta

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Presentation of Employee Service Pins.
- B. Presentation to the City by B. J. Savage on behalf of Commanding General Thomas Waldhauser of the 3rd Assault Amphibian Battalion 1st Marine Division.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

NOTE: Any writings or documents provided to a majority of the City Council/Agency Board regarding any item on this agenda is available for public inspection at the public counter at City Hall located at 8200 Westminster Boulevard, Westminster, CA during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law. These writings are also available for review in the public access binder located in the entryway to the Council Chambers.

AGENDA

June 11, 2008

1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of [April 30, 2008](#); Minutes of the Regular Meetings of the City Council/Redevelopment Agency of [May 14, 2008](#) and [May 28, 2008](#).** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Claims Against The City** (Eddie Manfro)

RECOMMENDATION: Staff recommends the Mayor and City Council deny claims against the City from:

- a) **[Henry Lim and Craig Lim in the amount of \\$2,207.64.](#)**
- b) **[Rene Jesus Cuevas in an unknown amount.](#)**
- c) **[Shahzad Zakir in the amount of \\$2,000.00.](#)**
- d) **[Cory Yeo in the amount of \\$550.00.](#)**
- e) **[Larissa Saucedo in an unknown amount.](#)**

- 1.3 **[Revised Classification Specification - Records Clerk.](#)** (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the revised classification specification for Records Clerk.

- 1.4 **[Computer Replacement Program – Server Computers.](#)** (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Hewlett-Packard Corporation in an amount not to exceed \$51,802 for the purchase of seven (7) server computers.

AGENDA

June 11, 2008

1. CONSENT CALENDAR (Continued)

1.5 **Renewal of Contract for Police Safety Equipment for FY 2008-09.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the third option year renewal of a five year contract with Adamson Police Products in the amount of \$42,000 for police safety equipment.

1.6 **Renewal of Contract for 800 MHz Radio Maintenance for FY 2008-09.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the third option year contract renewal of a three year contract with the Orange County Sheriff's Department Communication Division in an amount not to exceed \$30,000 for radio repair services.

1.7 **Renewal of Contract for Prosecution Services with the Office of the District Attorney.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a five-year contract renewal with the Office of the District Attorney in an amount not to exceed \$2,000 for prosecution of violations of City ordinances.

1.8 **Purchase Order to California Forensic Phlebotomy, Inc. for Police Related Blood Test Services for FY 2008-09.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to California Forensic Phlebotomy, Inc., a sole source vendor providing police related blood test services, in an amount not to exceed \$40,000 for police related blood test services.

1.9 **Renewal of Contract for Police and Animal Control Uniforms with Galls, Inc. for FY 2008-09.** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the third option year renewal of a three year contract with Galls, Inc. in the amount of \$42,000 for police and animal control uniforms.

1.10 **Option Year Renewal for Procurement of Asphalt for FY 2008-2009.** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for Procurement of Asphalt from Vulcan Materials in the amount of \$15,000.

AGENDA

June 11, 2008

1. CONSENT CALENDAR (Continued)

1.11 Annual Anticipated DBE Participation Level (AADPL) for the Federal Fiscal Year 2008/2009. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt the AADPL of 12% race neutral for Federally-funded projects for the Federal fiscal year 2008/2009; and
- 2) Approve the DBE Race-Neutral Implementation Agreement for the City of Westminster and authorize the City Manager to execute the agreement on behalf of the City.

1.12 Award of Contract for Street Improvement Project at Various Locations for Fiscal Year 2008-2009– Project No. PROP42 08-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council award a contract to the low qualified and responsive bidder, All American Asphalt, in the amount of \$310,700.00; reject all other bids; and authorize the City Manager to execute the contract on behalf of the City.

1.13 Option Year Renewal for Vehicle Tire Purchases for FY 2008-09. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order for vehicle tire purchases in the amount of \$35,000.00 to Parkhouse Tire, Inc.

1.14 Acceptance of Final Parcel Map No. 2007-187, for Condominium Purposes, for Parcel Located at 7341 Texas Street (northwest corner of Olive Street and Texas Street). (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept Final Parcel Map No. 2007-187 and authorize the City Clerk to sign and seal the map.

1.15 Final Seven-Year Capital Improvement Program (CIP) for the Measure M and Congestion Management Programs (2008-2009). (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the Final Seven-Year Capital Improvement Program for the Measure M and Congestion Management Programs (CMP), and authorize its submittal to the Orange County Transportation Authority (OCTA).

AGENDA

June 11, 2008

1. CONSENT CALENDAR (Continued)

1.16 Notice of Completion for work performed by Micon Construction, Inc. for the Sigler Water Spray Playground. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.17 Award of Contract for Animal Shelter Services. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Award a contract to Dr. Samir S. Botros, dba Orange County Humane Society in an amount not to exceed \$55,000 for Fiscal Year 2008-2009 to provide animal shelter services, with an option to renew upon mutual agreement for two (2) one year intervals and authorize the City Manager to execute the contract on behalf of the City; and
- 2) Authorize the Chief of Police to approve contract renewal options for Fiscal Years 2009-2010 and 2010-2011.
- 3)

ORDINANCES (SECOND READING)/RESOLUTIONS

1.18 Ordinance No. 2430 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Sections 9.38.010 through 9.38.070 and Section 9.38.090 of Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code Relating to "Graffiti". (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2430 and waive further reading.

1.19 Resolution No. 4152 - A Resolution of the Mayor and City Council of the City of Westminster Concerning the Status of the Circulation Element for the City of Westminster. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4152.

AGENDA

June 11, 2008

1. CONSENT CALENDAR (Continued)

1.20 Resolutions pertaining to the November 4, 2008 General Municipal Election (Amanda Jensen)

Resolution No. 4153 - A Resolution of the Mayor and City Council of the City of Westminster, California, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.

Resolution No. 4154 - A Resolution of the Mayor and City Council of the City of Westminster, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 4, 2008.

Resolution No. 4155 - A Resolution of the Mayor and City Council of the City of Westminster, California, requesting the Board of Supervisors of the County of Orange to consolidate a General Municipal Election to be held on Tuesday, November 4, 2008, with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code.

RECOMMENDATION: That the Mayor and City Council adopt Resolution Nos. 4153, 4154 and 4155.

WARRANT REGISTER

1.21 (City Council/Redevelopment Agency) Warrant Register dated May 21 through June 3, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on June 4, 2008.

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of June 4, 2008

- 1) Case 2008-03 (Conditional Use Permit) to establish a massage establishment at 14600 Goldenwest Street, # 102.
- 2) Case 2008-08 (Conditional Use Permit) a request to allow entertainment at an existing restaurant (Quan May Hong) located at 15579 Brookhurst Street
- 3) Case 2008-20 (Variance) review and adoption of resolution granting a parking variance at 9060-9122 Bolsa Avenue (Hanoi Plaza).

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

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4. PUBLIC HEARINGS (Continued)

4.1 ORDINANCE NO. 2432 TO ESTABLISH DEVELOPMENT STANDARDS AND PROCEDURES FOR LARGE FAMILY DAY CARE (7-14 CHILDREN) FACILITIES IN THE SINGLE FAMILY RESIDENCE DISTRICT. (CASE NO. 2008-01). (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

 Speaking in Favor

 Speaking in Opposition

 Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2432 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 17 (Land Use) of the Westminster Municipal Code to establish Section 17.48.020 Accessory Uses to establish development standards and procedures for large family day care (7 - 14 children) facilities in the single family residential district", and waive further reading.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Economic Development Strategy. (Tami Piscotty)

RECOMMENDATION: That the Mayor/Chair and City Council/Agency Board:

- 1) Approve the Draft Economic Development Strategy; and
- 2) Direct staff to include an appropriation of \$60,000 in the Redevelopment/Economic Development Fund – Contractual Other for a Façade Program for the Fiscal Year 2008-09 budget.

6.2 Option Year Renewal for Vehicle Fuel Purchase for FY 2008-2009. (Marwan Youssef)

RECOMMENDATION: That the Mayor and City Council authorize a purchase order for vehicle fuel purchase in the amount of \$525,000.00 to Petro-Diamond Inc.

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7. WRITTEN COMMUNICATIONS (Public)

- 7.1 Request from B. J. Savage to place a memorial plaque in Sid Goldstein Freedom Park in honor of the 40th Anniversary of the death of Marine Lance Corporal Kenneth Lee Worley.

8. LEGISLATIVE ITEMS

- 8.1 Ordinance No. 2431 - An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the Community Development Director from the Classified Service. (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2431 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Chapter 2.68 (Personnel System) of the Westminster Municipal Code Excepting the Community Development Director from the Classified Service", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, June 23, 2008 at 6 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of a review of the City's current water rate structure and to discuss City/Agency business.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary